

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

HERBEY ARMENDARIZ,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-10-850-M
)	
HARLEY G. LAPPIN, et al.,)	
)	
Defendants.)	

ORDER

On September 9, 2010, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983. The Magistrate Judge recommended that this action be dismissed without prejudice due to plaintiff's failure to comply with the orders of the Court and failure to pay the required filing fee. Plaintiff was advised of his right to object to the Report and Recommendation by September 29, 2010, and on September 16, 2010, plaintiff filed his objection.

Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on September 9, 2010, and
- (2) DISMISSES this action without prejudice due to plaintiff's failure to comply with the orders of the Court and failure to pay the required filing fee.

IT IS SO ORDERED this 21st day of September, 2010.


VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE